



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

### NORTHERN REGIONAL OFFICE

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## **VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO ORBITAL SCIENCES CORPORATION FOR ORBITAL SCIENCES CORPORATION FACILITY EPA ID No. VAR000516062**

### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and Orbital Sciences Corporation, regarding the Orbital Sciences Corporation Facility, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations.

### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" or "Site" means the Orbital Sciences Corporation Facility located at 21834 Atlantic Boulevard in Dulles, Virginia.

6. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
7. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
8. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
9. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
10. "Orbital" means Orbital Sciences Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Orbital is a "person" within the meaning of Va. Code § 10.1-1400.
11. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
12. "Regulations" or "VHWMR" means the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* Sections 20-60-14, -124, -260 through -266, -268, -270, -273, and -279 of the VHWMR incorporate by reference corresponding parts and sections of the federal Code of Federal Regulations (CFR), with the effective date as stated in 9 VAC 20-60-18, and with independent requirements, changes, and exceptions as noted. In this Order, when reference is made to a part or section of the CFR, unless otherwise specified, it means that part or section of the CFR as incorporated by the corresponding section of the VHWMR. Citations to independent Virginia requirements are made directly to the VHWMR.
13. "SQG" means a small quantity generator, a hazardous waste generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(d)-(f).
14. "Va. Code" means the Code of Virginia (1950), as amended.
15. "VAC" means the Virginia Administrative Code.
16. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 4 (Va. Code §§ 10.1-1426 through 10.1-1429) of the Virginia Waste Management Act addresses Hazardous Waste Management.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. Orbital owns and operates the Facility in Dulles, Virginia. The Facility is a satellite design and manufacturing facility. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.

2. Orbital submitted a RCRA Subtitle C Site Identification Form (received May 14, 2008) that gave notice of regulated waste activity at the Facility as an SQG of hazardous waste. Orbital was issued EPA ID No. VAR000516062 for the Facility. Orbital is also a small quantity handler of universal waste.
3. At the Facility, Orbital generates hazardous waste in the form of waste paints, waste adhesives, waste corrosives, spent solvents, and personal protective equipment. These wastes are D, U, and F-listed wastes as described in 40 CFR §§261.24, 261.31, and 261.33. The hazardous waste is accumulated in containers at the Facility after its generation.
4. On January 13, 2014, Department staff inspected the Facility for compliance with the requirements of the Virginia Waste Management Act and the Regulations. Based on the inspection and follow-up information, Department staff made the following observations:
  - a. Drums and containers in the waste storage area had no markings to indicate that hazardous waste was being stored or to demonstrate the length of time it had been accumulated.

**40 CFR 262.34(d) as incorporated into 9 VAC 20-60-262 states “A generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status provided that ... (4) The generator complies with the requirements of paragraphs (a)(2) and (a)(3) of this section.”**

**40 CFR 262.34(a)(2) as incorporated into 9 VAC 20-60-262 states “The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;**

**40 CFR 262.34(a)(3) as incorporated into 9 VAC 20-60-262 states “While being accumulated on-site, each container and tank is labeled or marked clearly with the words, “Hazardous Waste”.**

- b. A 55-gallon drum of paint waste was observed in the paint booth with no apparent labels identifying the contents. The drum had been fitted with an open top funnel which Facility staff subsequently replaced with a sealed funnel and the drum was missing a bung which Facility staff also subsequently replaced. Step cans located at or near the point of generation had no labels identifying the contents.

**40 CFR 262.34(c)(1) as incorporated into 9 VAC 20-60-262 states “A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in §261.31 or §261.33(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) or (d)**

**of this section provided he: (i) Complies with §§265.171, 265.172, and 265.173(a) of this chapter; and (ii) Marks his containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.”**

**40 CFR 265.173(a) states “A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”**

- c. Two 55-gallon drums within the waste storage area had loosely fitted funnels that did not have seals. Facility staff subsequently replaced these with tightly sealed funnels.

**40 CFR 265.173(a) as incorporated into 9 VAC 20-60-265 states “A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”**

- d. Facility staff provided no documentation demonstrating that it conducted weekly inspections of hazardous waste storage areas.

**40 CFR 265.174 as incorporated into 9 VAC 20-60-265 states that at least weekly, the owner or operator must inspect areas where containers are stored... The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.**

- e. Facility staff could not demonstrate that staff had appropriate training to familiarize them with proper waste handling procedures. Such training has since been implemented.

**40 CFR 262.34(d)(5)(iii) as incorporated into 9 VAC 20-60-262 requires that the generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.**

- f. Although local emergency officials had visited the Facility at various times to coordinate contingency planning, the Facility failed to provide any documentation describing arrangements agreed to by local emergency authorities and hospitals.

**40 CFR 265.37 as incorporated into 9 VAC 20-60-265 requires that the owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:**

- (1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where**

**facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;**

- (2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;**
  - (3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and**
  - (4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.**
- g. The Facility failed to provide DEQ notification indicating the exact location of hazardous waste accumulation areas.

**9 VAC 20-60-262(B)(4) states that for accumulations areas established before March 1, 1988, a generator who is not otherwise exempted by 40 CFR 261.5 shall notify the department of each location where he accumulates hazardous waste in accordance with 40 CFR 262.34 by March 1, 1988. For accumulation areas established after March 1, 1988, he shall notify the department and document in the operating record that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34 prior to or immediately upon the establishment of each accumulation area. In the case of a new generator who creates such accumulation areas after March 1, 1988, he shall notify the department at the time the generator files the Notification of Hazardous Waste Activity that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34. This notification shall specify the exact location of the accumulation area at the site.**

- h. DEQ observed various types of batteries that were grouped together on the ground in the waste storage area. The batteries were not contained in a labeled package and no markings were evident on the individual batteries to indicate they were waste. An approximately 20-gallon container of batteries was observed with a loosely placed lid labeled "Used Batteries" and the side of the container labeled "Hazardous Waste". Several boxes of used fluorescent lamps were observed in the maintenance area of Building 2. The boxes were open and showed no visible labels indicating the contents. Three used fluorescent lamps were observed on a shelf.

**40 CFR 273.13(d)(1) as incorporated into 9 VAC 20-60-273 states that a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent**

**breakage, and compatible with the contents of the lamps. Such containers and packagers must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.**

**40 CFR 273.14 as incorporated into 9 VAC 20-60-273 requires that a small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:**

- (a) Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"....**
  - (e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".**
- i. Universal waste lamps and batteries and universal waste containers lacked labels indicating the accumulation dates and Facility staff provided no other method or procedures to demonstrate accumulation times. Subsequent information provided to DEQ documented that universal waste was shipped approximately every two years.

**40 CFR 273.15(a) as incorporated into 9 VAC 20-60-273 states that a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated.**

**40 CFR 273.15(c) as incorporated into 9 VAC 20-60-273 states that a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.**

- j. A lead acid battery was observed upside down with a split in its case. An uncontained release was observed beneath the battery. Broken bits of lamps were observed on top of the bulb crusher in Building 2.

**40 CFR 273.13(a)(1) as incorporated into 9 VAC 20-60-273 states that a small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.**

**40 CFR 273.17 as incorporated into 9 VAC 20-60-273 states that:**

- (a) A small quantity handler of universal waste must immediately contain all releases of universal wastes and other residues from universal wastes.**

**(b) A small quantity handler of universal waste must determine whether any material resulting from the release is hazardous waste, and if so, must manage the hazardous waste in compliance with all applicable requirements of 40 CFR parts 260 through 272. The handler is considered the generator of the material resulting from the release, and must manage it in compliance with 40 CFR part 262.**

- k. A Bulb Eater Fluorescent Lamp Crushing System was observed atop a 55-gallon drum used for the collection of the crushed lamps. The drum lacked labels to indicate its contents and bits of broken lamps were observed on top of the crusher. The Facility was unable to provide maintenance logs and documentation of operation procedures or staff training. DEQ staff was advised that the crusher is used outside when operated and that the crusher's filter had been changed several years ago and the used filter was placed in the drum with the crushed lamps. The Facility no longer uses the Bulb Eater Fluorescent Lamp Crushing System.

**9 VAC 20-60-273(B)(3)(C) requires that all handlers of universal waste who crush mercury-containing lamps under these universal waste regulations shall comply with the following provisions:**

- (1) The handler must use a mercury-containing lamp crusher indoors with air pollution controls that capture both particulate and vapor phase mercury...**
  - (2) The handler must develop and implement a written procedure specifying how to safely crush universal waste lamps. This procedure must include: type of equipment to be used to crush the lamps safely, operation and maintenance of the unit in accordance with written procedures developed by the manufacturer of the equipment, and proper waste management practices. The handler must document maintenance activities and keep records of maintenance. In addition, the unit operator must receive training in crushing procedures, waste handling and emergency procedures (training must be documented).**
  - (3) Residues, filter media, or other solid waste generated as part of the crushing operation, which are not being reclaimed and which exhibit any characteristics of a hazardous waste, must be managed in accordance with all applicable hazardous waste requirements.**
- l. Facility staff did not provide documentation or evidence that training had been provided for staff on the proper handling of universal waste.

**40 CFR 273.16 as incorporated into 9 VAC 20-60-273 states that a small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.**

- m. Five open pails of solder dross were observed on shelves in the waste storage area. The pails lacked labels or markings. Subsequent information provided by the Facility on January 17, 2014, documented that the solder was shipped for precious metal recovery. No additional information was provided regarding the amount of recycled materials stored at the facility.

**40 CFR 266.70 as incorporated into 9 VAC 20-60-266 states:**

- (a) The regulations of this subpart apply to recyclable materials that are reclaimed to recover economically significant amounts of gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these.**
  - (b) Persons who generate, transport, or store recyclable materials that are regulated under this subpart are subject to the following requirements:**
    - (1) Notifications requirements under section 3010 of RCRA;**
    - (2) Subpart B of part 262 (for generators), §§263.20 and 263.21 (for transporters), and §§265.71 and 265.72 (for persons who store) of this chapter; and**
    - (3) For precious metals exported to or imported from designated OECD member countries for recovery, subpart H of part 262 and §265.12(a)(2) of this chapter. For precious metals exported to or imported from non-OECD countries for recovery, subparts E and F of 40 CFR part 262.**
  - (c) Persons who store recycled materials that are regulated under this subpart must keep the following records to document that they are not accumulating these materials speculatively (as defined in §261.1(c) of this chapter);**
    - (1) Records showing the volume of these materials stored at the beginning of the calendar year;**
    - (2) The amount of these materials generated or received during the calendar year; and**
    - (3) The amount of materials remaining at the end of the calendar year.**
  - (d) Recyclable materials that are regulated under this subpart that are accumulated speculatively (as defined in §261.1(c) of this chapter) are subject to all applicable provisions of parts 262 through 265, 267, 270, and 124 of this chapter.**
- n. Within the Reliability Lab, Facility staff soaked electrical components in acids and bases to dissolve certain compounds including lead and silver solder. The corrosive wastes were disposed down sink drains which flow through neutralization units before discharging to the sanitary sewer.

In the photo lab, which is separate from the Reliability Lab and does not use corrosives, the Facility used a silver recovery unit equipped with filters to capture silver. The unit discharged to a floor drain that flows to sanitary sewer. In both cases, Facility personnel failed to make a waste determination prior to disposal



down the drain, or that the wastes met applicable land disposal treatment standards as defined by 40 CFR 268.40. Based on a review of the facility file, the Facility had not developed a waste analysis plan to treat hazardous waste. Since the time of DEQ's inspection Loudoun Water has tested the waste and authorized the Facility to resume discharging the waste down the drain to the sanitary sewer. Additionally, the silver recovery unit has been replaced with full capture and disposal.

**40 CFR 262.11 as referenced in 9 VAC 20-60-262 states that a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste...**

**40 CFR 268.7(a) as referenced in 9 VAC 20-60-268 states that a generator of hazardous waste must determine if the waste has to be treated before it can be land disposed...**

**40 CFR 268.7(a)(5) as referenced in 9 VAC 20-60-268 states that if a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 CFR 262.34 to meet applicable LDR treatment standards found at §268.40, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards.**

- o. The Facility operated an Aqueous Technologies, Inc. evaporator from approximately the end of 2007 through August 2013. Waste cleaning solution was removed from a defluxing machine and transferred to the evaporator for processing. The evaporated waste was vented to the roof. Spray guns are used in the bonding area to apply conformal coatings to electrical components. After use, the spray guns were cleaned with toluene by spraying the spent solvent through the spray gun into a vent hood to evaporate. Additional containers of paint thinner, paint, leftover portions of chemicals, and IPA wipes found throughout the facility were allowed to evaporate. Based on the MSDS sheets the Facility provided, several of the chemicals have a flash point below 140 degrees Fahrenheit and exhibit the ignitability characteristic of hazardous waste when discarded. The Facility does not have a permit to treat hazardous waste.

**40 CFR 260.10 as incorporated into 9 VAC 20-60-260 states that treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recover, amenable for storage, or reduced in volume.**

**40 CFR 270.1(c) as incorporated into 9 VAC 20-60-270 states that RCRA requires a permit for the “treatment,” “storage,” and “disposal” of any hazardous waste as identified or listed in 40 CFR 261.**

**Va. Code § 10.1-1426.A, states that no person shall transport, store, provide treatment for, or dispose of a hazardous waste without a permit from the Director.**

5. On March 7, 2014, based on the inspection and follow-up information, the Department issued a Notice of Violation to Orbital for the violations described in paragraphs C(4), above.
6. On April 7, 2014 Department staff met with representatives of Orbital to discuss the violations.
7. Based on the results of the January 13, 2014, inspection, the April 7, 2014, meeting, and the documentation submitted on January 17, 2014, the Board concludes that Orbital has violated 40 CFR 262.34(d), 40 CFR 270.1(c), 40 CFR 262.34(a)(2), 40 CFR 262.34(a)(3), 40 CFR 262.34(c)(1), 40 CFR 265.173(a), 40 CFR 279.22(c)(1), 40 CFR 265.174, 40 CFR 262.34(d)(5)(iii), 40 CFR 265.37, 40 CFR 273.13(d)(1), 40 CFR 273.14, 40 CFR 273.13(a)(1), 40 CFR 273.15, 40 CFR 273.17, 40 CFR 273.16, 40 CFR 266.70, 40 CFR 262.11, 40 CFR 268.7(a), 40 CFR 268.7(a)(5), Va. Code § 10.1-1426, 9 VAC 20-60-273(3)(C), and 9 VAC 20-60-262(B)(4) as described in paragraph C(4), above.
8. Orbital has submitted documentation that verifies that the violations described in paragraph C(4), above, have been corrected.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Orbital, and Orbital agrees to:

Pay a civil charge of \$99,715.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Orbital shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements

of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Orbital shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of Orbital for good cause shown by Orbital, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Orbital admits the jurisdictional allegations, and agrees not to contest, but does not admit the findings of fact, and conclusions of law contained herein.
4. Orbital consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Orbital declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Orbital to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Orbital shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Orbital shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Orbital shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred

that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of any such delay or noncompliance;
- c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Orbital.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after Orbital has completed all of the requirements of the Order;
  - b. Orbital petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Orbital.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Orbital from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Orbital and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Orbital certifies that he or she is a responsible official [or officer] authorized to enter into the terms and conditions of this Order and to execute and

legally bind Orbital to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Orbital.

14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Orbital voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 1<sup>st</sup> day of December, 2014.



Thomas A. Faha, Regional Director  
Department of Environmental Quality

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Orbital Sciences Corporation voluntarily agrees to the issuance of this Order.

Date: October 20, 2014 By: Michael R. Williams, Senior Vice President and Treasurer  
(Person) (Title)  
Orbital Sciences Corporation

Commonwealth of Virginia  
City/County of Loudoun

The foregoing document was signed and acknowledged before me this 20th day of October, 2014, by Michael R. Williams who is SVP + Treasurer of Orbital Sciences Corporation, on behalf of the corporation.

Julie Anne Winship  
Notary Public  
162153  
Registration No.

My commission expires: 9-30-17

Notary seal:

JULIE ANNE WINSHIP  
NOTARY PUBLIC  
Commonwealth of Virginia  
Reg. #162153  
My Commission Expires Sept. 30, 2017